

Appln No. 10/803,447

Amdt date November 30, 2004

Reply to Office action of September 1, 2004

REMARKS/ARGUMENTS

Claims 1-34 are pending in the above-referenced matter.

Claims 1, 2, 4, 6, 14, and 22 have been amended and claims 23-34 added to further define Applicants' invention.

This is a response to the Office Action dated September 1, 2004 wherein the Examiner rejected claims 2 and 4-21 under §112, second paragraph, rejected claims 1,2, 5-10, 12, 14-19, 21, and 22 under §102(b) for being anticipated by US. Pat. No. 5,816,440 to Shields, and rejected claims 3, 4, 11-13, 20, and 21 under §103(a) for obviousness over Shields and "well known" techniques in the art.

In view of the amendments as indicated above and the remarks that follow, reconsideration and a Notice of Allowance are respectfully requested.

In compliance with Applicants' duty of disclosure, this is to inform the Examiner that a Final Office Action has recently issued in co-pending parent application Ser. No. 10/172,192, in art unit 3653.

§112, 2nd Paragraph, Rejection of Claims 2 and 4-21

In rejecting claims 2 and 4-21, the Examiner contends that the folding process of claim 2 recites "...the same folding process as claim 1 and not a continuation of the previously recited process. The "subsequent" and "previous" gloves recited in claim 2 does not refer back to the "first" and "second" gloves of claim 1.

Claim 14 is rejected for the reason as claim 2.

In response to the rejection, Applicants have amended claims 1, 2, 4, and 14 as indicated above. As amended, Applicants submit that the claims properly recite a continuation from claims that they depend from.

Appln No. 10/803,447

Amdt date November 30, 2004

Reply to Office action of September 1, 2004

§102(b) Rejection of Claims 1, 2, 5-10, 12, 14-19, 21, and 22 by Shields et al.

In rejecting claims 1, 2, 5-10, 12, 14-19, 21, and 22 under §102(b) by Shields et al., the Examiner contends that Shields shows a method of interfolding gloves comprising the steps of superposing the finger portions 16 of a first and a second glove over each other in opposing directions, folding the hand and cuff portion 15 of the first glove over the finger portion of the second glove, positioning the fingers portion of a third glove over the folded cuff portion of the first glove and folding the cuff and hand portion of the second glove over the finger portion of the third glove and then repeating this process to form a bundle. The bundle is placed in a dispenser box with an elliptical dispenser opening (Figure 3) with the cuff portion extending through the opening and the finger portion being at the top of the bundle.

Preliminarily, for a claim to be anticipated under 35 U.S.C. §102(b), a single prior art reference must either expressly or inherently describe each and every element as set forth in the claim. As further discussed below, Applicants submit that Shields fails to either expressly or inherently describe each and every element of the rejected claims.

Claim 1 recites a method of interfolding gloves and forming a glove bundle in a glove dispenser, each glove having a finger portion, a hand portion, and a cuff portion, the method comprising (a) superposing the finger portion of a second glove approximately adjacent the finger portion of a first glove, the second glove finger portion being disposed approximately parallel and in a direction generally opposite the first glove finger portion, such that the second glove finger portion is in a superjacent opposing relationship relative to the first glove finger portion; (b) lapping the hand portion and the cuff portion of the first glove over the finger portion of the second glove such that the cuff of the first glove lies superjacent the finger portion of the second glove and at least one lapped, superjacent opposing fold is provided thereby; and (c) wherein the hand portion comprises a hand interior surface having a first interior section and a second interior section, and wherein the cuff portion contacts at least one of a first interior section and the second interior section.

Contrariwise, Shields discloses a glove bundle in which each glove comprises an over-folded cuff (Sec, e.g., Figs. 1-8, element 15). When the gloves are stacked and folded as shown

Appln No. 10/803,447

Amdt date November 30, 2004

Reply to Office action of September 1, 2004

in FIG. 1, the finger portion of one glove lies superjacent the palm of an adjacent glove, not the cuff of an adjacent glove. The '440 Shields patent Abstract reads as follows:

Containers for sterile gloves having long cuffs folding over the palms, leaving the fingers exposed beyond, are disclosed such that, upon opening, only the crease of each long cuff/palm overfold can be manually grasped. In one preferred embodiment, sterile containers initially covered with removable film are designed with single openings covered by slit film to dispense multiple surgical or examination gloves. Inside the containers, the overfolded cuffs of successive gloves are folded under the flexed fingers of the first and every succeeding glove, such that the user can serially extract externally sterile gloves by grasping the crease of each long cuff/palm overfold. One bare hand grasps the crease to glove the other. Then, the ungloved hand grasps the crease of the next glove, such that the fingers of the gloved hand can be inserted under the cuff/palm overfold to glove the bare hand. As results, the external surfaces of each extracted glove are never touched by a bare finger or any other contaminated object before use on a patient. Such containers can dispense specified numbers of examination or surgical gloves. In another embodiment, multiple pairs of surgical or examination gloves, each pair with thumbs apposed toward the palms, can be dispensed with the palms touching in separate sterile envelopes, each of which unseals to expose only the creases of the cuff overfolds. Such sterile envelopes can be boxed separately or in rolls from which each package is easily separated. [Abstract, emphasis added].

In the specification, Shields et al. explained that "FIG. 1 shows side-by-side dispensers (11,12) for multiple left (13) and right (14) hand surgical gloves, respectively. Inside each container long over-folded cuffs (15) are serially folded over the glove fingers (16), such that pulling out each over-folded cuff by grasping the crease (17) in overfold causes the Fingers (16)

Appln No. 10/803,447

Amdt date November 30, 2004

Reply to Office action of September 1, 2004

of each glove to pull out the over-folded cuff (15) of the next via a slit (18) located in a plastic-covered slot (19) on the underside side of each container (11,12)." [Col. 6, line 66 to Col. 7, line 7, emphasis added].

The long folded-over cuff (15) being accessible for grasping over the crease (17), as shown in FIGs. 1 and 3, is said by Shields et al. to be essential for the following reasons:

- a. Exposure of the crease (17) through the slit (18) allows an ungloved user to grasp the over-folded cuff (15) of the first glove without contaminating the box (11,12,31) or the external surface of any contained glove.
- b. The length of the slit (18) or slits in the ovoid plastic-covered slot (19) is critical to minimize contamination of the container by air-borne particles.
- c. The length of the slit (18) in relation to the ovoid plastic-covered slot (19) is critical to the combined splaying of the slit (18) or slits (not shown) and outward bending of the plastic film material (19) when the fingers (16) of the serially over-folded gloves pull out the cuffs (15) of each glove successively retrieved from the container. [Col. 7:35-48, emphasis added].

Thus, as clearly described in the foregoing paragraphs, the over-folded cuffs (15) of the plurality of gloves are essential for the dispenser described by Shields et al. As the cuffs of the gloves are folded, they cannot be folded as recited in claim 34, namely a folded configuration comprising: (1) the finger portion of a second glove approximately adjacent the finger portion of the first glove, the second glove finger portion being disposed approximately parallel and oriented generally opposite the first glove finger portion, such that the second glove finger portion is in a superjacent opposing relationship relative to the first glove finger portion; (2) the hand portion and the cuff portion of the first glove disposed over the finger portion of the second glove, providing a lapped, superjacent opposing fold; (3) the finger portion of a subsequent glove is superimposed approximately adjacent the finger portion of a previous glove of a plurality of gloves, the subsequent glove finger portion being disposed approximately parallel and oriented

Appln No. 10/803,447

Amdt date November 30, 2004

Reply to Office action of September 1, 2004

generally opposite the previous glove finger portion, such that the subsequent glove finger portion is in a superjacent opposing relationship relative to the previous glove finger portion; (4) the hand portion and the cuff portion of the previous glove disposed over the finger portion of the subsequent glove, providing a lapped, superjacent opposing fold.

Because Shields et al. require folded cuffs, the gloves disclosed in the '440 Shields patent cannot be folded in lapped, superjacent opposing folds as the hand portion and the cuff portion of the first glove cannot fold over the finger portion of the second glove. For example, the folded-over cuff 13 aligns with the hand portion and not the finger portion 16 of the adjacent glove in the Shields et al. dispenser (See, e.g., FIG. 1). Thus, because the folded-cuff section extends further towards the hand portion of the adjacent glove, it may be difficult for the cuff to pop through the slit 18 in the dispenser. In other words, the amount of overlapped disclosed by Shields et al. and shown in FIG. 1 may hinder the glove being pulled through the opening to effectively pull the adjacent glove for the subsequent use.

Furthermore, claim 1 has been amended to further require that the hand portion comprises a hand interior surface having a first interior section and a second interior section, and wherein the cuff portion contacts at least one of a first interior section and the second interior section. Because over-folding is an essential requirement in the Shields patent, Shields clearly teaches away from the claimed feature.

In view of the foregoing, Applicants submit that Shields does not anticipate claim 1 by disclosing each and every step of the recited method claim.

Because claims 2-13 depend from claim 1, they too are allowable over Shields for the same reasons as claim 1.

Independent claim 14 recites a method of interfolding gloves and forming a glove bundle in a glove dispenser, each glove having a finger portion, a hand portion, and a cuff portion, the method comprising (a) superposing the finger portion of a second glove approximately adjacent the finger portion of the first glove, the second glove finger portion being disposed approximately parallel and oriented generally opposite the first glove finger portion, such that the second glove finger portion is in a superjacent opposing relationship relative to the first glove

Appln No. 10/803,447

Amdt date November 30, 2004

Reply to Office action of September 1, 2004

finger portion; (b) lapping the hand portion and the cuff portion of the first glove over the finger portion of the second glove such that the cuff of the first glove lies superjacent the finger portion of the second glove to provide a lapped, superjacent opposing fold thereby; (c) superposing the finger portion of a third glove adjacent the finger portion of the second glove, the third glove finger portion being disposed approximately parallel and oriented generally opposite the previous glove finger portion, such that the subsequent glove finger portion is in a superjacent opposing relationship relative to the second glove finger portion; (d) lapping the hand portion and the cuff portion of the second glove over the finger portion of the third glove to provide a lapped, superjacent opposing fold, (e) superimposing additional gloves and folding the additional gloves in lapped, superjacent opposing folds in accordance with claims 14(a), 14(b), 14(c), and 14(d) for the first, second, and third gloves until a predetermined number of folded gloves is obtained; and (f) wherein the hand portion comprises a hand interior surface having a first interior section and a second interior section, and wherein the cuff portion contacts at least one of a first interior section and the second interior section.

Applicants submit that independent claim 14 recites a similar fold configuration as the fold configuration recited in claim 1, in particular gloves folded in lapped, superjacent opposing folds. Shields, on the other hand, does not disclose or teach the fold configuration as recited, as discussed above for the allowance of claim 1. Accordingly, Applicants submit that claim 14 is allowable over Shields for the same reasons as discussed above for claim 1.

Because claims 15-21 depend, either directly or indirectly, from claim 14, they too are allowable.

Independent claim 22 recites a method of interfolding gloves and forming a glove bundle in a glove dispenser, each glove comprising a finger portion, a hand portion, and a cuff portion comprising cuff end, the method comprising (a) placing a first glove on a surface with the finger portion pointing in a first direction, wherein the hand portion comprises a hand interior surface having a first interior section and a second interior section, and wherein the cuff portion contacts at least one of a first interior section and the second interior section; (b) placing a second glove over the first glove with the finger portion of the second glove pointing in a second direction,

Appln No. 10/803,447

Amdt date November 30, 2004

Reply to Office action of September 1, 2004

which is generally opposite the first direction; (c) folding the hand portion of the first glove so that the cuff portion of the first glove lies superjacent the finger portion of the second glove and the cuff end of the cuff portion contacts the finger portion of the second glove; (d) placing a third glove over the cuff portion of the first glove with the finger portion of the third glove pointing in the first direction and the finger portion of the third glove contacting the cuff end of the first glove; (e) folding the hand portion of the second glove so that the cuff portion of the second glove lies superjacent the finger portion of the third glove and the cuff end of the cuff portion of the second glove contacts the finger portion of the third glove; and (f) repeating steps (b) through (e) for additional gloves until a desired number of folded gloves is obtained.

Like independent claims 1 and 14, independent claim 22 recites a bundle of gloves in which the gloves are folded in lapped, superjacent fold configuration. The particular folds permit a glove to be dispensed through an opening of a dispenser while pulling on an adjacent glove so that the adjacent glove is readily grasp during a subsequent use. Applicants submit that Shields does not disclose gloves folded in the fold configuration as recited in claim 22. The differences were discussed extensively above with reference to the allowance of claim 1, which claim 22 is similarly recited.

Accordingly, Applicants submit that Shields et al. does not anticipate claim 22 by disclosing each and every step of the recited method claim. Reconsideration and a notice of allowance are respectfully requested.

§103(a) Rejection of Claims 3, 4, 11-13, 20, and 21 by Shields et al.

In rejecting claims 3, 4, 11-13, 20, and 21, the Examiner contends that "[t]he folding of gloves to reduce the dimension of the glove and package (claims 3 and 4), wearable dispensers (claims 11 and 20) and double packaging (claim 13) are well known in the art and would have been obvious modifications of the Shields process for their known benefits." In view of the remarks that follow, reconsideration and a notice of allowance are respectfully requested.

Claims 3, 4, and 11-13 are dependent claims and depend, either directly or indirectly, from claim 1. To render claims 3, 4, and 11-13 obvious, the prior art references (Shields and

Appln No. 10/803,447

Amdt date November 30, 2004

Reply to Office action of September 1, 2004

"well known" methods in the art) must in combination show all of the steps recited and there must be a motivation for combining them. However, as discussed above, Shields failed to disclose the folded configuration recited in claim 1. The Examiner relied on "well known" method for disclosing a certain "dimension", "wearable dispensers", and "double packaging". Even assuming that such features are "well known" and that they can be combined without set forth a motivation for combining them, they do not make up for the deficiencies of claim 1 by disclosing the particular lapped, superjacent folds whereby the folds facilitate the dispensing of gloves (in the manner discussed extensively above). Accordingly, Shields and "well known" methods in the art cannot render claims 3, 4, and 11-13 obvious.

As discussed above, independent claim 14 recites similar limitations as independent claim 1. Thus, as claims 20 and 21 depend, either directly or indirectly from claim 14, they too are allowable over the combination of Shields and "well known" methods in the art for the same reasons as discussed above for dependent claims 3, 4, and 11-13.

New Claims 23-34

Of the new claims, claims 25-34 depend, either directly or indirectly, from independent claim 1, 14, or 22. Thus, claims 25-34 should be allowable over the art of record for the same reasons as claim 1, 14, or 22.

Newly added independent claim 23 and dependent claim 24 are also novel and not obvious over the art of record. Among other things, Shields does not disclose the glove folds as recited or the glove dispenser as recited.

Appln No. 10/803,447

Amdt date November 30, 2004

Reply to Office action of September 1, 2004


In view of the foregoing, it is thought that the application is now in condition for allowance and allowance is respectfully solicited.

Should the Examiner finds it necessary to speak with Applicants' attorney, he is invited to contact the undersigned at the telephone number identified below.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By


Tom H. Dao
Reg. No. 44,641
626/795-9900

THD/bl

DL IRV1081378.1-*11/30/04 8:38 AM